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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 RICHARD A. MAIZE,
12 Petitioner and Defendant,
13 v.
14 UNITED STATES OF AMERICA,
15 Respondent and Plaintiff.
16

No. CV 13-07415-DDP
[No. CR 07-455-PSG]

PROTECTIVE ORDER REGARDING
DOCUMENTS CONTAINING PERSONAL
IDENTIFYING INFORMATION

17 The Court has read and considered the Stipulation and Joint
18 Request for a Protective Order Regarding Documents Containing
19 Personal Identifying Information, filed by Petitioner and Defendant
20 Richard A. Maize ("Petitioner Maize") and Respondent and Plaintiff
21 United States of America in this matter on January __, 2020, which
22 this Court incorporates by reference into this order, and FOR GOOD
23 CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

24 1. The United States Attorney's Office ("the USAO") has made
25 available for initial review by Petitioner Maize's counsel of
26 record, Richard G. Novak ("Mr. Novak"), certain documents in the
27 possession of USAO that Petitioner Maize had requested be made
28 available for his use in connection with these proceedings, pursuant

1 to 18 U.S.C. § 2255, to set aside Petitioner Maize's convictions in
2 *United States v. Richard A. Maize*, case no. CR 07-455-DDP (the
3 "Subject Documents"). The Subject Documents were previously
4 selected by the USAO as potential exhibits in connection with the
5 trial of the defendants prosecuted in *United States v. Joseph Aram*
6 *Babajian, Lila Marie Rizk, and Kyle John Grasso*, case no. CR 07-
7 00755-DDP. The quantity of the Subject Documents is approximately
8 290 pages. Many of the Subject Documents contain personal
9 identifying information of real persons, including, among other
10 things, personal names, addresses, Social Security numbers, and
11 financial account numbers.

12 2. If the USAO were to attempt to redact all this personal
13 identifying information in strict compliance with Federal Rule of
14 Civil Procedure 5.2, the Central District of California's Local
15 Rules regarding redaction, and the Privacy Policy of the United
16 States Judicial Conference, Petitioner Maize would receive a set of
17 documents that would be confusing and difficult for Petitioner Maize
18 and Mr. Novak to understand.

19 3. The Court finds it appropriate, therefore, for the USAO to
20 provide to Mr. Novak unredacted copies of the Subject Documents that
21 contain personal identifying information, subject to this protective
22 order that preserves the privacy and security of third parties. The
23 Court agrees that a protective order as requested by the parties
24 will serve the USAO's interest in maintaining the privacy and
25 security of third parties while permitting Petitioner Maize and Mr.
26 Novak to understand the Subject Documents.

1 4. Accordingly, the production of the Subject Documents by
2 the USAO to Mr. Novak shall be subject to this Protective Order, as
3 follows:

4 a. For purposes of the Protective Order, the term
5 "Personal Identifying Information" ("PII") includes any information
6 that can be used to identify a person, other than Petitioner Maize,
7 including name, address, date of birth, Social Security number, Tax
8 Payer Identification Number, driver's license number, telephone
9 number, financial account number, or personal identification number.
10 The term "Protected Information" refers to materials containing PII
11 that the USAO produces to the defense pursuant to the Protective
12 Order.

13 b. For purposes of the Protective Order, the term
14 "Petitioner's Team" refers to (1) Mr. Novak, as Petitioner Maize's
15 counsel of record; (2) other attorneys at Mr. Novak's law firm who
16 may be consulted regarding case strategy in the above-captioned
17 matter; (3) investigators and retained experts or potential experts
18 who are assisting Mr. Novak with this case; and (4) paralegals,
19 legal assistants, and other support staff to Mr. Novak providing
20 assistance on this case. The term "Petitioner's Team" does not
21 include Petitioner Maize, his family members, or any other
22 associates of Petitioner Maize.

23 c. Mr. Novak shall advise all other members of
24 Petitioner's Team of their obligations under the Protective Order
25 and ensure their agreement to follow the Protective Order, prior to
26 providing members of Petitioner's Team with access to any materials
27 subject to the Protective Order.

1 d. The USAO is authorized to provide to Mr. Novak
2 Protected Information marked with the following legend: "CONTENTS
3 SUBJECT TO PROTECTIVE ORDER." If Protected Information is provided
4 on a DVD, or other electronic storage media, it is sufficient notice
5 for the USAO to label the electronic storage media with this legend.
6 If Protected Information is provided in the form of a paper
7 document, it is sufficient notice for the USAO to print this legend
8 on the cover page of the first page of the document. If Petitioner
9 Maize objects to any such designation, he may do so by application
10 to the Court upon duly noticed motion, following meeting and
11 conferring with the USAO regarding the objection.

12 e. Petitioner Maize may review Protected Information
13 only in the presence of Mr. Novak or other members of Petitioner's
14 Team, and Petitioner Maize may not copy, keep, maintain, or
15 otherwise possess any of such Protected Information in this case at
16 any time. Petitioner Maize must return any Protected Information to
17 Petitioner's Team at the conclusion of any meeting at which
18 Petitioner Maize is permitted to view the Protected Information.
19 Petitioner Maize may not take any Protected Information out of the
20 room in which he is meeting with Petitioner's Team. Petitioner
21 Maize may not write down or memorialize any PII contained in the
22 Protected Information. At the conclusion of any meeting with
23 Petitioner Maize, Petitioner's Team shall take possession of all
24 Protected Information.

25 f. If Mr. Novak deems it appropriate or necessary for
26 Petitioner Maize to review some or all of the Protected Information
27 in this case outside Petitioner's Team's presence, Mr. Novak shall,
28 without further Order of the Court, provide to Petitioner Maize only

1 Protected Information from which all PII has been redacted by
2 Petitioner's Team. At no time, under no circumstance, shall any
3 unredacted Protected Information be left in the possession, custody,
4 or control of Petitioner Maize.

5 g. Petitioner's Team shall not permit Petitioner Maize
6 or anyone not a member of Petitioner's Team to have possession of
7 Protected Information.

8 h. Petitioner's Team shall access and use Protected
9 Information for the sole purpose of preparing for proceedings in
10 this case. Petitioner's Team may review Protected Information with
11 a witness or potential witness in this case, including Petitioner
12 Maize. Before being shown any portion of Protected Information,
13 however, any witness or potential witness must be informed of, and
14 agree in writing to be bound by, the requirements of the Protective
15 Order. No witness or potential witness may retain Protected
16 Information, or any copy thereof, after his or her review of those
17 materials with Petitioner's Team is complete.

18 i. Petitioner's Team shall maintain Protected
19 Information safely and securely, and shall exercise reasonable care
20 in ensuring the confidentiality of those materials by (1) not
21 permitting anyone other than Maize team members and Petitioner Maize
22 as restricted above to see Protected Information, (2) not divulging
23 to anyone the contents of Protected Information, and (3) not
24 permitting Protected Information to be outside Petitioner's Team's
25 offices, homes, vehicles, or personal presence.

26 j. To the extent that notes are made that memorialize,
27 in whole or in part, the PII in any Protected Information, or to the
28 extent that copies are made for authorized use by members of

1 Petitioner's Team, such notes, copies, or reproductions become
2 Protected Information subject to the Protective Order and must be
3 handled in accordance with the terms of the Protective Order.

4 k. Petitioner's Team shall use Protected Information and
5 materials otherwise identified as containing PII only for the
6 litigation of this matter and for no other purpose. In the event
7 that a party needs to file Protected Information or materials
8 otherwise identified as containing PII with the Court or divulge the
9 contents of such materials in court filings, the filing should be
10 made under seal. If the Court rejects the request to file such
11 information under seal, the party seeking to file such information
12 shall provide advance written notice to the other party to afford
13 such party an opportunity to object or otherwise respond to such
14 intention. If the other party does not object to the proposed
15 filing, the party seeking to file such information shall redact the
16 PII and make all reasonable attempts to limit the divulging of PII.

17 l. Any PII produced or disclosed to Mr. Novak by the
18 USAO prior to the date of the Protective Order shall be subject to
19 the terms of the Protective Order.

20 m. Upon the final disposition of this case, any
21 Protected Information and materials otherwise identified as
22 containing PII shall not be used, in any way, in any other matter,
23 absent a court order. All materials designated subject to the
24 Protective Order maintained in Petitioner's Team's files shall
25 remain subject to the Protective Order unless and until such order
26 is modified by court order. Within thirty days of the conclusion of
27 these proceedings, Mr. Novak shall return Protected Information and
28 materials otherwise identified as containing PII to the USAO,

1 certify that such materials have been destroyed, or certify that
2 such materials are being kept pursuant to the Business and
3 Professions Code and the Rules of Professional Conduct.

4 n. In the event that there is a substitution of counsel
5 for Petitioner Maize prior to when such documents must be returned,
6 new counsel must join this Protective Order before any Protected
7 Information or materials otherwise identified as containing PII may
8 be transferred from Mr. Novak to the new counsel, who then shall
9 become Petitioner's Team's custodian of materials designated subject
10 to the Protective Order and who shall then become responsible, upon
11 the conclusion of proceedings, for returning to the USAO, certifying
12 the destruction of, or retaining pursuant to the Business and
13 Professions Code and the Rules of Professional Conduct all Protected
14 Information and materials otherwise identified as containing PII.

15 IT IS SO ORDERED.

16 1-15-2020
17

18 DATE



HONORABLE DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE